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# WASHINGTON ISLAND FERRY LINE, INC.

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June 18, 2003

Dept. of Transportation  
US Coast Guard

Docket Management Facility (USCG - 2001 - 8773) - 43  
US Dept. of Transportation  
Rm PL - 401  
400 Seventh St. SW  
Washington, DC 20590-0001

2003 J

DEPT. O

Comments to Docket: [USCG - 2001 - 8773] -

NPR Marine Casualties and Investigations; Chemical Testing Following Serious  
Marine Incidents

2003 J

DEPT. O

## ***General Comment***

While the intent of this Notice of Proposed Rulemaking may be one of promoting safety, the method of achieving safety doesn't take into consideration small passenger vessels which never are far from homeport, and which may be so small there isn't sufficient room aboard to stow test devices, and which have rotating crews on a daily basis. The Proposed Rule doesn't match up well with real world experience.

## ***Background and Purpose***

According to the Federal Register Notice, "*In 1998, congress passed Public Law.....adding a new section 2303a.....requires the **Coast Guard** to establish procedures ensuring that after a serious marine casualty occurs, required alcohol testing is conducted no later than two hours after the casualty occurred.*"

My comment is that it is the Coast Guard's responsibility as required by Congress, is to establish testing procedures. Passing that passing off responsibility for testing to Coast Guard industry partners, the Coast Guard inspected passenger vessels, may be an easy path for Coast Guard, but not proper or wise for public safety or the maritime industry.

Placing one more piece of equipment on board, ensuring it is operational and not outdated, training our operators to use it with knowledge, skill and discretion (they were hired as vessel operators, not as drug or alcohol test collectors) is a poor solution.

As a taxpayer and an active member of the maritime community, I see greater sense if the local OCMI, COTP, or Search and Rescue station maintains test kits for serious incident alcohol testing, and certifies their personnel in use of those devices.

*Such duties flow with the already required marine safety duties the Coast Guard, such as accident investigation, water quality and marine safety enforcement (commercial and recreational) and other regulatory duties. The Coast Guard as regulator is in the best position to determine: a) is a test necessary? and b) is the test best administered at the site of a vessel boarding, seizure, or accident investigation, or done ashore at a Coast Guard facility? In the event a Coast Guard facility is not near within range of the scene of a "serious marine incident", the authority and requirement to test should be transferred to the nearest law enforcement facility.*

*"Requiring marine employers to have testing devices on board these vessels at all times makes it possible for them to ensure that proper alcohol testing is conducted in a timely manner."*

For test result accuracy, alcohol testing is required within two hours. Most small passenger vessels are within two hours of either a local Coast Guard facility or a law enforcement facility. It should not be a necessary burden of a small company to train its crew members to administer tests, take responsibility for chain of custody of the sample, if in fact the vessel returns to the pier on its normal route at least once every hour. Our County Seat and county sheriff is less than two hours away from our location, as are several Coast Guard facilities. As an operator, I do not want those responsibilities added to daily operations. As an owner, I worry about chain of custody when I have little control. I also know, from experience with changes in the drug testing rules, that over time, more requirements will be asked of us regarding alcohol testing.

As an added problem, storage and safekeeping areas on our ferries for a testing kit, and for records which will accompany chain of custody, etc., are in short supply. The wheel houses are small work stations, and they were never designed as testing centers. The activities of navigation, underway vessel operation, loading and unloading continues on a regular and scheduled basis.

How do we reconcile service to the public, our passengers, with "serious incident" testing? I think this entire piece of proposed legislation was intended for the deep draft, off shore vessels, foreign and domestic, which seldom touch shore and which have no permanent overnight mooring facility. It could not possibly have been thought of with the inspected small passenger vessels such as our ferries in mind.

## **Discussion of the Proposed Rule**

Objectivity is superior with third party testing and will result in improved public safety and results which stand up to legal scrutiny.

When we consider all other forms of public transportation – trains, airplanes, buses and other highway vehicles - no other form of transportation requires the owner / operator to test himself or his employees. In those other transportation modes, post accident testing is ordered and administered by, or under the guidance of, public officials - not the driver, train engineer, or airline pilot. This is also an “honor the mariner” issue, for protection of the rights of the crew member.

We ask that small passenger vessels such as our ferries, for the above reasons, be exempted from self-testing our own employees in “serious marine incidents”.

We also have a problem in deciding – or agreeing with – what is a “serious marine incident”. “Beyond first aid” is by definition a low threshold and an extremely broad definition. We have an example of a crewmember falling and getting injured when no passengers aboard, when the vessel was still in a moored position, where a urine sample was required by Coast Guard. Is this what was intended with DOT drug and alcohol testing rules?

We think the current definition of serious marine incident needs attention, and soon, before more regulatory measures are handed to the owner and operator. [At the very least, if discussion with the local OCMI has determined that an alcohol test is required, and if no testing is available within a two-hour time frame from the vessel location, or by the investigating officer on scene - within the same two hour time frame - we would agree for that vessel or for that company, maintenance of a test kit and a certified alcohol test coordinator would be needed to provide reasonable compliance.]

### ***Other Questions...***

- We wonder what safeguards are in place for chain of custody from vessel to shore, to the evaluation lab?
- What happens with refusals to take a test, when a vessel is underway with a cruise and must safely operate and return to the pier?
- Will the vessel be required to anchor until test results are certified as negative?
- What sort of records will be required to be kept?

### **Summary**

We operate six vehicle and passenger ferries between two basic points of operation. We suggest it would be more cost effective, and consistent with all other transportation modes, for Coast Guard to train and maintain facility alcohol test coordinators who could

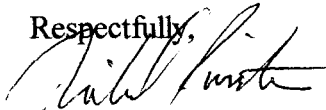
respond to vessel incidents, commercial or recreational, or who have the ability to transfer testing authority to local law enforcement people also trained to test for alcohol.

We believe there is cost in training and maintaining a certified person on board each vessel, in addition to the purchase of test kit hardware, and of creating a chain of custody responsibility, keeping records, and preparing for challenges to test results that may occur. Just as drug testing has grown to become a substantial administrative burden over time, so will the alcohol testing procedures require more training, reporting, and record keeping. Cost per sample, or cost on an annual basis may work out to seem insignificant, but the cumulative burden, when added to drug testing and other duties, becomes excessive. We think that if the cost is not considered significant, it may be even less significant when that cost is born by the regulatory body rather than by each vessel, each company.

The occasional (and we might say, rare) serious marine incident testing is better left with experts than with the operating company which is being asked to "gear up" for the extraordinary serious marine incident.

We see little sense to this rule as it is written and we ask that the Coast Guard stand up to *their* regulatory responsibility, rather than passing it along to the inspected vessel owners and operators.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Purinton", written over the word "Respectfully,".

Richard Purinton  
President

# ISLAND TOUR HIGHLIGHTS

**Bike Rental**  
Harbor Bike Rental at  
Island Ferry Dock

Walking may be healthy exercise, but there's lots of distance between points of interest!  
Town is 3 miles from Island dock. May we suggest these options...

**Tour by your auto, your own bicycle, or...**

## Cherry Train Tour

90-minute in-season narrated  
open-air tours of Island with  
several stops at points of  
interest. Island guides.  
920-847-2039



## 2003 CHERRY TRAIN TOURS™

May 10 to June 27 ..... \*11 am, 1:00 pm  
June 28 to August 17 ..... \*10:30 am, \*12 noon, 2 pm and 3:30 pm  
August 18 to October 26 ..... \*11 am, 1:00 pm  
(Extra Tours Labor Day Weekend) \*Lunch available with these tours



## FERRY/CHERRY TOURS

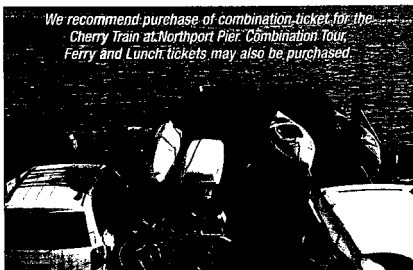
Combination Ferry & Cherry Train Tickets  
For more information call 847-2039...

Adult - \$18.00  
Child (6 thru 11) - \$9.00

## CHERRY TRAIN TOUR & LUNCH

(Not on Sundays)  
\$25 PER PERSON

We recommend purchase of combination ticket for the  
Cherry Train at Northport Pier. Combination Tour,  
Ferry and Lunch tickets may also be purchased.



FERRY LINE		TO ISLAND		SPRING	FROM ISLAND	
APRIL 1, 2003		8:00 am	12:00 noon	7:00 am	11:00 am	
THRU MAY 9		8:45 am *	2:15 pm	8:00 am *	1:00 pm	
*START APRIL 14		10:15 am	5:00 pm	9:30 am	4:00 pm	
MAY 10		8:00 am	2:00 pm	7:00 am	1:00 pm	
THRU JUNE 27		9:00 am	3:00 pm	8:00 am	2:00 pm	
		10:00 am	4:00 pm	9:00 am	3:00 pm	
		11:00 am	5:00 pm	10:00 am	4:00 pm	
		12:00 noon	6:00 pm	11:00 am	5:00 pm	
		1:00 pm		12:00 noon		
		TO ISLAND		SUMMER	FROM ISLAND	
		7:15 am	MEET OFF DUTY	6:30 am	MEET ON SUN	
		8:00 am	1:45 pm	7:15 am	1:00 pm	
		8:45 am	2:15 pm	8:00 am	1:30 pm	
		9:15 am	2:45 pm	8:30 am	2:00 pm	
		9:45 am	3:15 pm	9:00 am	2:30 pm	
		10:15 am	3:45 pm	9:30 am	3:00 pm	
		10:45 am	4:15 pm	10:00 am	3:30 pm	
		11:15 am	4:45 pm	10:30 am	4:00 pm	
		11:45 am	5:15 pm	11:00 am	4:30 pm	
		12:15 pm	5:45 pm	11:30 am	5:00 pm	
		12:45 pm	6:15 pm	12:00 noon	5:30 pm	
		1:15 pm	6:45 pm	12:30 noon	6:00 pm	
		TO ISLAND		FALL	FROM ISLAND	
		8:00 am	2:00 pm	7:00 am	1:00 pm	
		9:00 am	3:00 pm	8:00 am	2:00 pm	
		10:00 am	4:00 pm	9:00 am	3:00 pm	
		11:00 am	5:00 pm	10:00 am	4:00 pm	
		12:00 noon	6:00 pm	11:00 am	5:00 pm	
		1:00 pm	6:30 pm	12:00 noon	5:45 pm	
		TO ISLAND		NIGHT TRIPS	FROM ISLAND	
		6:45 pm	(April 11 - Aug. 15)	6:00 pm		
		7:45 pm	(May 23 - Oct. 10)	7:00 pm		
		8:45 pm	(May 23 - Oct. 10)	8:00 pm		
		9:30 pm	(April 11 - Nov 7)	8:30 pm		
		10:15 pm	(June 27 - August 15)	9:30 pm		
		6:30 pm	(August 22 - Nov 7)	5:45 pm		
		SAT-SUN NIGHTS	8:45 pm (June 21 - Aug. 31)	8:00 pm		
		TO ISLAND		LATE FALL/EARLY WINTER/WINTER	FROM ISLAND	
		8:00 am	12:00 noon	7:00 am	11:00 am	
		8:45 am	2:15 pm	8:00 am	1:00 pm	
		10:15 am	5:00 pm	9:30 am	4:00 pm	
		DEC. 1 THRU JAN. 4, 2004	9:00 am No PM trips 2:15 pm Christmas only 4:30 pm	8:00 am No PM trips 10:00 am	1:00 pm Christmas only 3:30 pm	
		JAN. 5, 2004 THRU MAR. 31, 2004	9:30 am Daily Mon thru Sat 2:30 pm Sunday only Vehicle reservations required Dec 20 - March 31	8:00 am Daily Mon thru Sat 1:00 pm Sunday only Vehicle reservations required Dec 20 - March 31		

## ROUND TRIP RATES 2003

Adult Passenger.....\$9.00 Child (6 thru 11).....\$5.00  
Auto (Passengers not included).....\$20.00 Motorcycle.....\$12.00 Bicycle.....\$4.00  
Round Trip Rates = Double One Way Rate • Round trips sold when ticket seller is on duty  
Schedule is subject to weather and traffic • Pets must be on leash or in car  
Not responsible for Low Exhaust Systems • Vehicles must be in line 15 minutes prior to departure

WASHINGTON ISLAND FERRY LINE INC.

Washington Island, WI 54246 • P.O. Box 39 • 920-847-2546 • 1-800-223-2094  
Website: www.wisferry.com • Email: wisferry@itcl.com

**Daily Service from  
Northport Pier Mainland Dock  
Highway 42 and Death's Door**

**1-800-223-2094**  
www.wisferry.com

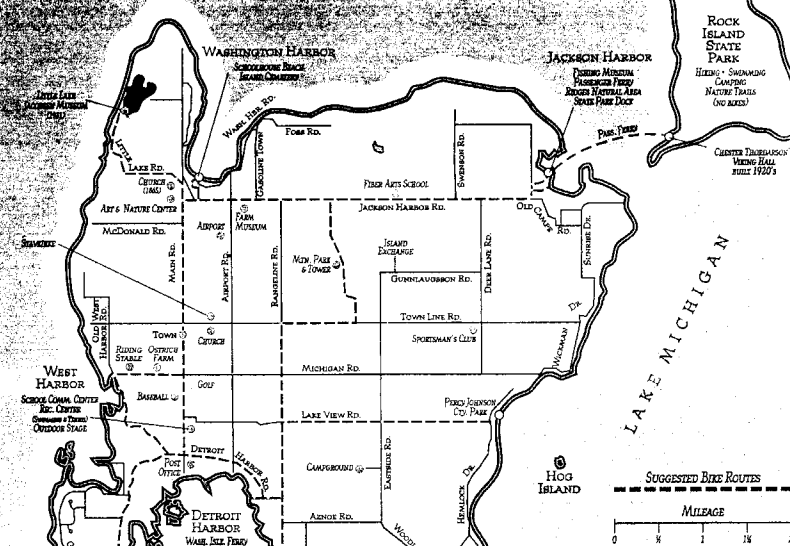
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# PLACES TO STAY

Anglers & Writers Cottage	414-332-5755
Bitter End Motel	800-400-0208
Cedar Point Inn	920-847-2180
Deer Run Golf Course & Resort	920-847-2017
Doc-Cros Inn	920-847-2126
Findlay's Holiday Inn	800-522-5469
Flah's Cottages	920-847-2325
Foss Farm Cottage	920-847-2293
Frog Hollow Farm Bed & Breakfast	920-847-2835
Gibson's West Harbor Resort	920-847-2225
Hansen's Cottages	920-847-2007
Hoff Haus Inn	920-847-2183
Island Inn	920-847-2785
Jackson Harbor Inn	920-847-2454
Leonard's Lakeside Home	608-754-0679
Lindgren's Sunrise Cottages	920-847-2021
McDonald Cottages	920-847-2396
Manatee's Cottages	920-847-2165
Richter's Cottages	920-847-2351
Shellwick's Cottages	920-847-2368
Summer Place	920-847-2285
Sunset Resort	920-847-2531
Townlimer Motel	920-847-2422
Viking Village Motel	920-847-2551
Wash. Is. Campgrounds	920-847-2622
Young's Cottages	920-847-2748

## WASHINGTON ISLAND

Population 680



LAKE MICHIGAN

SUGGESTED BIKE ROUTES  
MILEAGE  
0 1 2 3 4 5

Plum Island Light House

DAILY FERRY TO NORTHPORT

DEATH'S DOOR

NORTHPORT PIER & RESTAURANT  
FERRY & PARKING

Plum Island Light

Ferry Line

Trail begins near island dock

Northport Terminal and Restaurant  
Restaurant open May thru October  
AMPLE, FREE, FERRY CUSTOMER PARKING

DOOR COUNTY

WASHINGTON ISLAND

ELLISON BAY  
SISTER BAY  
EPHRAIM  
FISH CREEK  
BAY HARBOR  
SHULLSBURG  
JACKSONPORT

1-800-223-2094 • 1-920-847-2546

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